

Board on Public Safety Standards and Training

Minutes

October 25, 2007

The Board on Public Safety Standards and Training held a regular meeting on October 25, 2007 at the Oregon Public Safety Academy in Salem, Oregon. Chair Burke-Sivers called the meeting to order at 9:05 a.m.

Attendees

Board Members Present:

Harold Burke-Sivers, Chair, Private Security Industry
Mark Prince, Vice-Chair, Oregon Fire Chiefs' Association
Todd Anderson, Oregon State Sheriffs' Association
Andrew Bentz, Oregon State Sheriffs' Association
Richard Brown, Public Citizen Member
Larry Goff, Oregon Fire District Directors' Association (by teleconference)
Mike Healy, Oregon Association Chiefs of Police
Robert King, Non-management Law Enforcement
Tim McLain, Superintendent, Oregon State Police
Eric Meyer, Private Security Industry
Sue Otjen for Nancy Orr, Oregon State Fire Marshal
Steven Piper, Non-Management Law Enforcement
David Schutt, Oregon District Attorneys' Association (by teleconference)
Rosie Sizer, Chief, Portland Police Bureau
David Sprando, Chief, Portland Fire and Rescue
Eric Swanson, Public Safety Telecommunicators (by teleconference)
James Whelan, Oregon Volunteer Firefighters' Association (by teleconference)
Max Williams, Director, Department of Corrections
Thomas Wright, Department of Corrections Bargaining Unit Representative

Board Members Absent:

Kelly Bach, Oregon State Firefighters' Council
Andrew Jordan, Oregon Association Chiefs of Police
Erik Kvarsten, League of Oregon Cities
William Lafferty, Forest Protection Agencies

DPSST Staff:

John Minnis, Director
Eriks Gabliks, Deputy Director
Cameron Campbell, Training Division Director
Marilyn Lorance, Certification and Records Supervisor
Theresa King, Professional Standards Coordinator
Bonne Salle, Certification Coordinator
Brian Henson, Private Security/Investigators Program Manager
Steve Winegar, Education Program Specialist
Charlene Barber, Executive Assistant to Director
Tammera Hinshaw, Executive Assistant to Deputy Director

Guests:

Dave Stanton, Portland Police Bureau

Christine Chute, Oregon Department of Justice

Jenifer Johnston, Portland City Attorney's Office/Portland Police Bureau

Tommy Hebert, Portland Police Bureau

Maxine Bernstein, The Oregonian



1. Chair's Report and Administrative Announcements

Chair Burke-Sivers announced this is a public meeting subject to the public meeting laws and is being recorded.

2. CONSENT AGENDA

A. Minutes

Approve minutes from the July 19, 2007 Board meeting.

B. Meyers, Frank T. (DPSST #34202)

Uphold recommendation of the Police Policy Committee to revoke Meyers' corrections certification and deny his police certification based on violation of the established moral fitness standards.

C. Puckett, Joseph W. (DPSST #22820)

Uphold recommendation of the Police Policy Committee to **not** revoke Puckett's police certifications based on violation of the established moral fitness standards.

D. Smith, Justin J. (DPSST #44304)

Uphold recommendation of the Corrections Policy Committee to revoke Smith's corrections certification based on violation of the established moral fitness standards.

E. OAR 259-008-0011 – Proposed Rule – Medical Standards for Telecommunicators/EMD

F. OAR 259-008-0060 – Proposed Administrative Rule Change – Training/Education Credit

G. OAR 259-009-0070 – Proposed Rule – Revocation and Denial

H. Private Security/Investigators Policy Committee

- Charles Doris, Hospitality - New Appointment
- Scott Reilly, Private Business - New Appointment
- Judy Pongratz, Retail Industry - Re-appointment

I. Telecommunications Policy Committee

- Jim Rentz, Oregon State Police - Re-appointment
- Bob Cozzie, Assn. of Public Safety Communications Officers – Re-appointment
- Jack Jones, Oregon State Sheriffs’ Association – Replacing Mark Metcalf

J. Police Policy Committee

- Edward Mouery, Oregon State Police – Replacing Dan Durbin
- Raul Ramirez, Oregon State Sheriff’s Association – Replacing Dave Burrignt

K. Corrections Policy Committee

- Krista Fegley, Dept of Corrections Training Division – Replacing Greg Morton
- Troy Bowser, Dept of Corrections Security Manager – New Appointment

Todd Anderson moved to approve the items on the Consent Agenda. Dave Sprando seconded the motion. The motion carried in a unanimous vote.

3. Portland Police Bureau Medical Waivers – Notice of Possible Executive Session

- Hebert, Kuemper, and Stanton

Marilyn Lorance reviewed the background of the waivers. The Board had returned the issue to the Police Policy Committee (PPC) at the July meeting for consideration of legal concerns raised by counsel for the City of Portland. The Board asked DPSST staff to seek advice from the Oregon Department of Justice (DOJ) regarding the legal issues raised and requested DOJ counsel to assist the PPC with legal guidance. The PPC found nothing to warrant a change of course and again recommended denial of the waivers at their August meeting. The PPC also recommended that the Board grant the individuals the opportunity for a contested case hearing if the Board upheld the committee’s recommendation to deny the waivers. DPSST received written legal advice from DOJ confirming the oral guidance they had given to the committee. The legal conclusions were DPSST and the Board has legal authority to define leave of absence by rule; when a certification lapses automatically, subsequent to a period on leave, the officer is not entitled to notice and an opportunity for a hearing before the lapse; the Board and DPSST have the authority to require officers who return to police duty after a medical leave of more than 2.5 years to undergo a medical exam before the officer may be certified again; and finally that the current administrative rules do not allow for a limited certification. Marilyn also gave a review of the requirements for certification and background regarding the development of the minimum physical standards for employment.

EXECUTIVE SESSION – CONFIDENTIAL

Executive Session Ended:

Question to the Board: Should the Board allow the written legal analysis provided by DOJ be shared with the public?

Robert King moved to allow the information to be shared with the public. Rosie Sizer seconded the motion. The motion carried in a unanimous vote.

Action Items 1-3: Determine whether to uphold the Police Policy Committee's second recommendation to deny a waiver of the minimum physical standard for Officers Hebert, Stanton, and Kuemper.

Todd Anderson moved to uphold the Police Policy Committee's second recommendation to deny a waiver of the minimum physical standard for Officers Hebert, Stanton, and Kuemper. Tim McLain seconded the motion. Richard Brown abstained from voting. Robert King and Rosie Sizer voted nay. The motion carried with 15 ayes.

Action Item 4: Determine whether to uphold the Police Policy Committee's recommendation to provide a contested case hearing to officers.

Tim McLain moved to uphold the Police Policy Committee's recommendation to provide a contested case hearing to officers. Mike Healy seconded the motion. The motion carried in a unanimous vote.

Action Item 5: Determine whether to uphold the Police Policy Committee's recommendation to send a letter to the Mayor of Portland.

Andrew Bentz moved to uphold the Police Policy Committee's recommendation to send a letter to the Mayor of Portland. Todd Anderson seconded the motion. The motion carried in a unanimous vote.

4. Temporary Rule – Waiver Denial Process

Bonnie Salle reviewed the temporary rule for the Board.

Action Item 1: Determine whether to approve filing the proposed language for OAR 259-008-0010 with the Secretary of State as a temporary rule.

Max Williams moved to approve filing the proposed language for OAR 259-008-0010 with the Secretary of State as a temporary rule. Steve Piper seconded the motion. The motion carried in a unanimous vote.

5. Director's Report

Director Minnis gave an overview of events at the Academy. There is serious ongoing shortage of volunteers, agency-loaned instructors, and part-time Public Safety Training Specialists for the complex scenarios. DPSST Human Resources and Training Division are increasing their outreach and recruitment efforts to fill these staffing needs. The background investigation process has been streamlined without compromising the integrity of the program.

The integration of different classes in the scenarios is going very well and providing multiple training tasks and more realism.

A handout covering the various events and excellent upcoming training was provided.

Tim McLain reported that the Top-Off operation went well. The Academy will be an excellent asset for bringing folks together to handle issues during an emergency.

6. Committee Reports

- Corrections Policy Committee – Todd Anderson, Chair
A report was produced by a workgroup which made recommendations on the curriculum for Corrections. Sheriffs, Jail Commanders, and the Department of Corrections (DOC) say that there's a lot of the training that is good for each of the disciplines to be involved in, but at some point, they need to fork-off and have specific training appropriate to the jobs. They'll be looking at best practices from other states for ideas to bring back to the Department and possibly, the legislative branch for the 2009-2011 session in looking at an expanded curriculum. A technical assistance grant has been applied for by DOC to go to other states. Working on ORPAT for Corrections. On November 20th, the Corrections Policy Committee will make a recommendation to the Board.
- Fire Policy Committee – Jim Whelan, Chair
Hopefully about to finish up the Criminal Disqualifiers they've been working on. There are some task forces trying to address better ways to help the Oregon Fire Service meet the live fire qualifications and criteria to prevent firefighter deaths. The group is looking to update the instructor qualifications and new instructor standards. A task force is looking at developing standards for land-based marine fire fighters.
- Police Policy Committee – Andrew Bentz, Chair
There is discussion going on and information being received regarding the maintenance hours requirements. A few revocations are taking quite a bit of time. They're waiting to hear the results from the committee put together to review the moral turpitude standard. Harold said a letter requesting rule changes will soon be sent to the individual policy committees chairs which will outline the status.
- Private Security Policy Committee – Harold Burke-Sivers, Chair
Eric Meyer is retiring and will no longer be serving on the Board, today is his last meeting. Harold thanked him for his service on the Private Security/Investigators Policy Committee and the Board and wished him happiness in his retirement.
- Telecommunications Policy Committee – Eric Swanson, Chair
Nothing to report.

Eriks shared that Richard Brown has spent more time with the agency listening in on classes and being involved than any other citizen member the Board has had in the last decade.

Eriks brought forth an item for Erik Kvarsten in his absence. The Oregon Mayors' Association held their annual conference in August and was given a tour of the Academy. They met a month later and passed a resolution that ORPAT should not only be required for police officers attending the Academy, they're asking this group to consider requiring police officers to pass ORPAT biannually. They also asked that the fire service look at the physical abilities test called CPAT.

With no further business to discuss, Chair Burke-Sivers adjourned the meeting at 10:45.

An audio copy of the meeting is available upon request by contacting Tammera Hinshaw at (503) 378-2428 or by e-mail at tammera.hinshaw@state.or.us.